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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,047	03/22/2006	Hiroaki Mukai	2611-0257PUS1	5344

2292 7590 04/16/2009  
BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2613

NOTIFICATION DATE	DELIVERY MODE
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04/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,047	MUKAI, HIROAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huh et al. US 2005/0008158 in view of Kasa et al. US 2002/0085583.

Regarding claim 7, Huh discloses in Figures 3-5, a passive optical network system comprising:

an optical line termination 410 of figure 3; and

a plurality of optical network units 450 of figure 3 that are respectively connected to an optical line termination via an optical transmission line;

Wherein the optical line termination includes

a database (i.e., MAC controller 412) configured to store ONU recognition information and service details in association with a ONU (paragraphs 0041, 0060),

an issuing unit that, upon detecting a connection with a new optical network while performing autonomous ranging, issues a control message to request the new optical network unit to provide ONU recognition information, and acquires the ONU recognition information (step 530 of figure 5, paragraph 0046), and

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a setting unit that, based on acquired ONU recognition information, search the database and specifies the ONU and the service details, and performs bandwidth setting and connection setting based on specified service details (step 540 of figure 5, paragraphs 0042, 0048, 0053); and each of the optical network units includes

a storing unit 452 that stores ONU recognition information input by a subscriber and a notifying unit that receives, from the optical line termination, a control message requesting for the ONU recognition information, and issues a response message that notifies the ONU recognition information (step 520 of figure 5, paragraphs 0042, 0045).

Huh does not specifically disclose each of the optical network units includes a storing unit storing subscriber recognition information input by a subscriber. However, it is well known in the art that the ONU is a remote node that receive and transmit the information from/to OLT and subscriber and the band information set for each user is registered in the ONU and the ONU set the acquired user band information by report it to the OLT (see Kasa et al. US 2002/0085583). Thus, it would have been obvious to an artisan at the time of the invention was made, that the ONU includes a storing unit storing subscriber recognition information input by a subscriber.

Regarding claim 8, Huh discloses wherein the ONU or subscriber recognition information is a password that specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (paragraphs 0042, 0045, 0047, 0048, 0053).

Regarding claim 9, Huh discloses wherein the ONU or subscriber recognition information includes the subscriber's address, name, and other ONU or subscriber

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information, and the control message and the response message are sent and received using a monitor control channel (paragraphs 0042, 0045, 0047, 0048, 0053).

Regarding claim 10, Huh discloses in Figures 2-5, a method for connecting a plurality of optical network units 450 of figure 3 included in a passive optical network system to an optical line termination 410 via an optical transmission line, comprising:

the optical line termination preparing a database that is configured to store ONU recognition information and service details in association with a ONU (paragraphs 0041, 0060), the optical line termination detecting a connection with a new optical network unit while performing autonomous ranging and the optical line termination issuing a control message to request the new optical network unit to provide ONU recognition information, wherein the act of issuing is performed after the act of detecting (steps 530-540 of figure 5, paragraphs 0042, 0046, 0048) , each of the optical network units receiving from the optical line termination, a control message requesting for the subscriber recognition information and each of the optical network units issuing a response message including the ONU recognition information (step 520 of figure 5, paragraphs 0042, 0045),

the optical line termination searching the database based on acquired ONU recognition information to thereby specify the ONU and the service details and the optical line termination performing bandwidth setting and connection setting based on specified service details (step 540 of figure 5, paragraphs 0042, 0048, 0053).

Huh does not specifically disclose each of the optical network units includes a storing unit storing subscriber recognition information input by a subscriber. However, it

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is well known in the art that the ONU is a remote node that receive and transmit the information from/to OLT and subscriber and the band information set for each user is registered in the ONU and the ONU set the acquired user band information by report it to the OLT (see Kasa et al. US 2002/0085583). Thus, it would have been obvious to an artisan at the time of the invention was made, that the ONU includes a storing unit storing subscriber recognition information input by a subscriber.

Regarding claim 11, Huh discloses wherein the ONU or subscriber recognition information is a password that specifies the ONU or subscriber, and the control message and the response message are sent and received using any one of a physical layer and a monitor control channel (paragraphs 0042, 0045, 0047, 0048, 0053).

Regarding claim 12, Huh discloses wherein the ONU or subscriber recognition information includes the ONU or subscriber's address, name, and other subscriber information, and the control message and the response message are sent and received using a monitor control channel (paragraphs 0042, 0045, 0047, 0048, 0053).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran

04/11/2009

/Dzung D Tran/

Primary Examiner, Art Unit 2613